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ABSTRACT

A representative excerpt of the information presented at a special education due process hearing is offered to acquaint parents, educators, and hearing officers with the nature of a hearing and the potentially serious consequences of a hearing officer's decision. Material traces the proceedings from initial correspondence regarding the hearing for a junior high school student with learning problems. Also included are opening statements, exhibits by parents and the public schools, testimony by both parties, summary statements, and finally, the decision. Notations are made throughout the excerpt regarding applicable sections of P.L. 94-142, the Education for All Handicapped Children Act. (CL)

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Due Process in Special Education: A Case Record

THE DICK EAST HEARING

June, 1978

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of Special Education**

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PREFACE

Reading the Dick East case should prove to be helpful to prospective Hearing Officers and hearing participants in a special education due process hearing. The Hearing Officer can gain insight into the content, the process, and perhaps some of the aggravation to expect in a hearing. Public agency staff can become more aware of the importance of compliance with the due process requirements of P.L. 94-142. Parents can gain a better perspective of the hearing process. All readers can appreciate the formidable nature of a hearing and the potentially serious consequences of the Hearing Officer's decision.

The correspondence, exhibits, and testimony included in the Dick East Hearing were taken from an actual special education due process hearing. Personally identifiable information has been changed to protect the identities of the parties involved. This is not a complete transcript of a hearing, but rather a representative excerpt of the information presented. Educational and legal jargon remain as presented in the actual hearing.

This hearing lasted two days and included almost two hundred pages of written evidence. Samples of the child's school work are deleted here, as is some of the more repetitious written and oral testimony.

The reader is urged to study this material in the sequence in which it is presented, reserving reading of the decision until the preceding material has been reviewed. This approach will assist in an unbiased review of the case content.

Where appropriate, notations have been made regarding applicable sections of P.L. 94-142. The manual also is keyed to relevant sections of *Due Process in Special Education: A Step-by-Step Resource Manual for Hearing Officers*, NASDSE, 1978.

James R. Galloway
Executive Director
Gary Snodgrass
Editor
NASDSE, Inc.

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HEARING CORRESPONDENCE

This section includes samples of some typical correspondence related to a due process hearing. The careful reader will find that prior notice and other due process requirements of written notification of rights are represented in this section. Additional required due process documentation may be found in the public school Exhibits section.

August 1, 1976

Ms. Jan Roberts
Administrative Assistant
Special Education
School District

Dear Ms. Roberts:

We are appealing the placement decision made by your staff for our son, Dick. The IEP proposed for him is not acceptable. We feel very strongly that he needs at least one more year in the Carl Buck School for Exceptional Children before he is ready to enter a regular junior high school program. His experience last year in the private school made a dramatic difference in Dick. We believe that he would experience a severe setback if he were forced to return to a public school situation he dislikes.

We must pay a registration fee at the private school by September 1, 1976. We would appreciate it if a hearing could be arranged before that date.

Thank you for your cooperation in this matter.

Sincerely,

Mr. & Mrs. Richard East

Mr. and Mrs. Richard East

NOTE: This request for a hearing, dated August 1, 1976, was received August 4, 1976. Therefore, a hearing must be held and a decision reached within 45 days of August 4, 1976. (See P.L. 94-142, Section 121a.512, and pages 7 and 21, Due Process in Special Education: A Step-by-Step Resource Manual for Hearing Officers, NASDSE, 1978 (hereafter referred to as Hearing Officer Manual)).

August 21, 1976

Mr. and Mrs. Richard East

Dear Mr. and Mrs. East:

This letter will serve to summarize our phone conversation of August 20, 1976, regarding the arrangements for the hearing on the matter of Dick East. As I stated at the beginning of our conversation, the purpose of our discussion was two-fold: (1) to determine if the public school has fully complied with the due process requirements, and (2) to obtain information necessary to plan for the hearing.

After discussing the due process provisions, I am satisfied that the school district has adequately informed you of your rights. In addition, we discussed the introduction of written evidence, the presentation of witnesses, and the independent educational evaluation performed by the Wilson Evaluation Center.

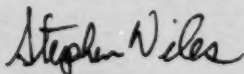
Let me remind you again that any written information you plan to introduce must be forwarded to me in time for full disclosure to the public schools within the mandatory five-day time limit. Also, please complete the attached form listing the witnesses you intend to present.

In addition, we agreed that, since English is the primary language of your home, there will be no need for an interpreter or translator. Also, as you requested, the hearing will be open.

Finally, we agreed to hold the hearing at The Education Center on Wednesday, September 11, 1976, at 7 p.m. The school district has agreed to this time and place. I will send a formal notice to your witnesses regarding the time and place of the hearing as soon as you return the form listing your witnesses.

Thank you for your cooperation. If you need to contact me in reference to the proceedings, you may do so at 444-3322 between 9 a.m. and 5 p.m. on any weekday. Once again, I will not be able to discuss the facts of this case with you, only the procedural matters relating to the arrangements for the hearing.

Sincerely,



Stephen Wiles
Hearing Officer

(See NOTE on page 4)

NOTE: This letter serves three purposes: (1) it confirms in writing a telephone conversation held with the parents, (2) it serves as official notice of the hearing date, and (3) it reminds parents of the full disclosure requirement. (See P.L. 94-142, Section 121a.508).

A sample letter is included in the Hearing Officer Manual, page 28; page 23 contains information on notification of a hearing.

August 21, 1976

Ms. Jan Roberts
Administrative Assistant
Special Education
School District

RE: Dick East

Dear Ms. Roberts:

This letter will serve to summarize our phone conversation of August 20, 1976, regarding the arrangements for the hearing on the matter of Dick East. As I stated during our conversation, the purpose of our discussion was to obtain information necessary for the hearing.

We discussed the introduction of written evidence and the presentation of witnesses, and agreed that written evidence and the attached list of witnesses must be forwarded to me in time for full disclosure to the parents within the mandatory five-day time limit.

In addition, we agreed that, since English is the primary language of the home, there will be no need for an interpreter or translator. Also, the parents request that the hearing be open.

Finally, we agreed to hold the hearing at The Education Center on Wednesday, September 11, 1976, at 7 p.m.

The parents have also agreed to this time and place. I will send a formal notice to your witnesses regarding the time and place of the hearing as soon as you return the form listing witnesses.

Thank you for your cooperation. If you need to contact me in reference to the proceedings, you may do so at 444-3322 from 9 a.m. to 5 p.m. on any weekday. Once again, I will not be able to discuss the facts of this case with you, only the procedural matters relating to the arrangements for the hearing.

Sincerely,

Stephen Wiles

Stephen Wiles
Hearing Officer

NOTE: This letter serves the same purpose with regard to the public agency that the letter on the preceding page serves with regard to the parents. (See Hearing Officer Manual, page 24.)

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DISTRICT

DEPARTMENT OF SPECIAL EDUCATION

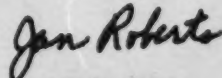
August 25, 1976

Mr. Stephen Wiles
Hearing Officer
0000 Center Street
City, State 00000

Dear Mr. Wiles

Enclosed please find a list of witnesses we expect to be present at the Dick East hearing on Wednesday, September 11, 1976, at 7 p.m. All witnesses are voluntary and, therefore, none must be compelled to attend.

Sincerely,



Jan Roberts
Administrative Assistant
Special Education
School District

/xx

Enclosure

INFORMATION ON WITNESSES

DICK EAST HEARING

Please complete the following information so that notice may be provided to the witnesses relating to the time and place of the hearing.

1. Voluntary Witnesses:

<u>Name</u>	<u>Position</u>	<u>Address</u>
a. Susan Kasper	Pupil Personnel Worker	School District
b. Janet Low	School Psychologist	School District
c. Jim Palmer	Principal, Madsen Elementary School	School District
d. Robert Paul	Resource Teacher Grant Junior High	School District
e. Jan Roberts	Administrative Asst. Special Education	School District

2. Witnesses to be compelled (In accord with Section 121a.508, any party to a hearing has the right to compel the attendance of witnesses). This section should be used to list the name of witnesses who are not attending on a voluntary basis.

<u>Name</u>	<u>Position</u>	<u>Address</u>
None		

NOTE: All of the public school witnesses will attend the hearing voluntarily. See Section 121a.508, P.L. 94-142 regulations. Pages 23, 33, 34 of Hearing Officer Manual include information regarding compelling witnesses. A sample form is provided on page 27.

August 24, 1976

Mr. Stephen Wiles
Hearing Officer

Dear Mr. Wiles:

The form you sent to us for listing witnesses is enclosed. We will be represented by Mr. Ken Larson, Legal Counsel. Mr. Larson will be in touch with you regarding any additional information you may need.

Sincerely,

Mrs. Richard East

Mrs. Richard East

NOTE: The parents have exercised their option to be represented by counsel. (See P.L. 94-142, Sections 121a.506 and 121a.508, and pages 14 and 33, Hearing Officer Manual.)

INFORMATION ON WITNESSES

DICK EAST HEARING

Please complete the following information so that notice may be provided to the witnesses relating to the time and place of the hearing.

1. Voluntary Witnesses:

	<u>Name</u>	<u>Position</u>	<u>Address</u>
a.	John May	Teacher	Carl Buck School for Exceptional Children
b.			
c.			
d.			
e.			

2. Witnesses to be compelled (In accord with Section 121a.508, any party to a hearing has the right to compel the attendance of witnesses). This section should be used to list the name of witnesses who are not attending on a voluntary basis.

	<u>Name</u>	<u>Position</u>	<u>Address</u>
a.	None		
b.			
c.			
d.			
e.			

NOTE: The parents have decided to bring only one witness.
In some cases, large numbers of witnesses may be called.

OPENING STATEMENTS

1. Ken Larson, Legal Counsel for
Mr. and Mrs. Dick East
2. Jan Roberts, Administrative Assistant,
Special Education, School District

NOTE: This section includes the brief opening statements presented by the petitioner (the parents) and the respondent (the public school). These statements are intended to provide an overview of each party's position. (See pages 31-32, Hearing Officer Manual.)

Opening Statement

Ken Larson
Legal Counsel
September 11, 1976

RE: OPENING STATEMENT--DICK EAST HEARING

I have been asked to assist Mr. and Mrs. Richard East in presenting their position concerning the appropriate educational placement for their son, Dick.

Dick's learning disabilities and emotional disturbance prevent him from being able to benefit from the public school program planned for children with no handicaps.

Dick was first pronounced clinically handicapped, emotionally disturbed with learning disabilities when he was in the first grade. The public schools attempted to meet Dick's needs by having more teachers work with him. He was put into classes and groups with other children who were having problems, but not problems similar to the ones Dick has.

There was no attempt to give Dick help with the emotional problems that frequently accompany learning problems.

After Dick had been served by the public school for six years, there had been some improvement in his academic achievement, but his emotional problems continued to grow. The public school system appears to be capable of teaching academic skills but is not equipped to help a child learn to cope emotionally.

In order to meet Dick's needs, Mr. and Mrs. East enrolled him at their own expense in the Carl Buck School for Exceptional Children, which specializes in educating children who have emotional problems as well as learning

disabilities.

The private school uses a team therapy model in which specially trained personnel are able to work together to discover and meet the complicated needs of youngsters like Dick. The Carl Buck School is well-respected for its ability to reach youngsters that were previously unreachable in public school programs.

Dick is able to get ongoing psychiatric help at the private school. Such assistance is vital if he is to learn to fulfill himself as an individual.

During this year at the Carl Buck private school, Dick found his first progress in emotional development. He was chosen Outstanding Student of the Year for 1975-76 by the team who worked with him. The award is given to the student who demonstrates the most significant advance in both academic and emotional areas.

This is the most optimistic period that Dick has experienced in his education. If Dick is forced to return to public school, he may experience a setback in his growth that may frustrate him and deprive him of the appropriate education mandated by federal and state law.

Clearly, a public school instructor may have expertise in a substantive area of learning disability such as reading. If, however, that instructor does not also possess the expertise to treat a youngster's behavioral and emotional problems, there is no net gain to the child. Any instructional program which neglects the behavioral and emotional needs of a handicapped student cannot be viewed as appropriate education.

Due to the overwhelming evidence that the most appropriate educational experience for Dick is in the private school, we urge that the request for continued placement in the Carl Buck Private School for Exceptional Children at public expense be approved.

NOTE: See page 8 of the Hearing Officer Manual for information on Least Restrictive Environment and Continuum of Alternate Placements. Pages 12-13 of the Manual discuss free appropriate public education. Also, see P.L. 94-142, Sections 121a.4 and 121a.300.

Opening Statement

Jan Roberts
Administrative Assistant
Special Education
September 11, 1976

RE: OPENING STATEMENT--DICK EAST HEARING

My name is Jan Roberts. I am administrative assistant for special education for the public schools. I received my training at Columbia College and State University. Personnel of the school district have evaluated and worked with Dick, and have recommended placement for him at Grant Junior High School in a regular program with help provided by a resource teacher for students with learning problems similar to those experienced by Dick.

Dick began having difficulty in school in kindergarten. He has continued to show problems in adequately handling tool subjects. He is interested in social studies and interacts well with other students. His parents were desirous to have him evaluated and recommendations for supplementary services have been devised from the evaluation data.

In the 1975-76 school year, the parents placed Dick in the Carl Buck School for Exceptional Children at their own expense. This private school specializes in serving students with learning problems and emotional adjustment problems. The parents' request for approval of financial aid was denied because we, in the public school district, feel that appropriate services can be provided in the regular Grant Junior High School program, with resource help.

EXHIBITS
PETITIONER (PARENTS)

Written evidence is marked with exhibit numbers for ease of reference, i.e. (P) for Petitioner and (R) for Respondent. It is the Hearing Officer's responsibility to mark each exhibit as it is presented for the record. (Hearing Officer Manual, pages 32-33.)

P.L. 94-142 regulations require the full disclosure of any evidence to be presented at least five days prior to the hearing. (See P.L. 94-142, Section 121a.508 and pages 19, 23, 24 and 26 of the Hearing Officer Manual.)

SAM D. GARN, M.D.P.A.
Practice Limited to Psychiatry

August 10, 1976

Mr. Ken Larson
Legal Counsel
2266 Maple Street

RE: Dick East

Dear Mr. Larson:

I have been requested by Mrs. East, mother of Dick East, to forward to you a brief note regarding the youngster's emotional status.

I evaluated Dick on September 12, 1975, at which time my impression was that of adjustment reaction to adolescence in a youngster with minimal brain damage (hyperactive syndrome), depressive features, negative group identity, and poor self-concept.

My overall impression was that the youngster would benefit by going to the Carl Buck School for Exceptional Children. The mother noted that the youngster had a variety of learning problems, including reading and spelling.

My specific recommendations were that the Tofranil that the boy was on was to be reduced in dosage, that he continue individual counseling and group counseling at the Carl Buck School. I did not recommend therapy at that time in my office because I felt it would duplicate the overall therapeutic program at the Carl Buck School. The mother was free to contact me at any time for a follow-up appointment.

If any specific questions arise, please feel free to contact me at your convenience.

Sincerely,

Sam D. Garn

Sam D. Garn

NOTE: See P.L. 94-142, Sections 121a.532 and 121a.503.

August 13, 1976

Mr. Ken Larson
Legal Counselor
2266 Maple Street

RE: Dick East

Dear Mr. Larson:

On August 1, 1975, I saw Dick East in neurologic consultation. Dick is a 12-year-old boy who was brought by his mother to be evaluated for special schooling. Dick was the product of a normal birth and delivery, and weighted 6 lbs. 7 oz. at birth and had no obvious trauma to him. However, at about kindergarten and first grade, his mother noted that he was hyperactive and that he exhibited behavior problems. He had difficulty concentrating and later presented learning problems in school. He was evaluated at the clinic at Golden University and was felt to have minimal cerebral dysfunction. He was placed on Tofranil which apparently produced marked improvement. However, his mother feels he is not yet ready for a regular school program. Apparently, he is reading on grade level, but other skills are below age expectancy. The mother feels he is immature and indicates he has had some problem getting along with other children. He is not a bed-wetter. He has a past history of thalassemia minor. His only medication is Tofranil, and he has been in good general health otherwise.

On physical examination, he was a small, thin boy who was somewhat hostile and immature. He stated he did not know why he was here and did not want to be examined. His blood pressure was 110/90. He was oriented and able to do reverse spelling. On cranial nerve testing, his pupils were 5 mm, equal and reactive to light; his discs were flat; he had full extra-ocular movement with no nystagmus. Corneels were equal, facial sensation and movement were normal; his plate and tongue were midline. On motor testing, he had good strength throughout. There was a very equivocal drift of the right hand, but it does not appear to be significant. Tone was normal throughout. His reflexes were 1+ and equal. Coordination tests, including finger-to-nose and heel-to-shin tests, were normal. Sensory examination to pin, position, and vibration was normal. His gait was normal. He was able to do tandem gait well.

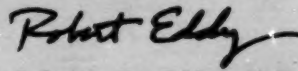
Impression: Dick has been given the diagnosis of minimal cerebral dysfunction. The history that was given to me, as well as his examination today, would suggest that this diagnosis is correct. He had none of the very subtle neurologic findings that one often sees with minimal cerebral

Mr. Ken Larson
August 13, 1976
Page 2

dysfunction, i.e., there was no fisting, no strabismus, no reflex asymmetries. An electroencephalogram will be done.

Please let me know if you have any further questions.

Sincerely,



Robert N. Eddy, M.D.

Addendum: The electroencephalogram was performed and was normal.

NOTE: See P.L. 94-142, Section 121a.532 and 121a.503.

Patient was XXX cooperative XXX alert
 uncooperative drowsy
 anxious asleep
 moved constantly unable to understand

The background rhythm is dominated by moderate voltage, well-organized 11 Hz. activity symmetrically placed. No paroxysmal, focal, or diffuse abnormalities appear at rest, with hyperventilation, or with photic stimulation.

Normal E.E.G. for the age.

M.D.

SAM D. GARN, M.D.P.A.
Practice Limited to Psychiatry

August 18, 1976

Mr. Ken Larson
Legal Counsel
2266 Maple Street

RE: Dick East

Dear Mr. Larson:

This letter is in response to your request for information regarding the re-evaluation of Dick East on August 16, 1976. The youngster was accompanied by his mother.

Both related that this was a "good year" for Dick. He spent the year at the Carl Buck School for Exceptional Children, and he apparently responded well to it. He did particularly well in reading and is currently operating at or slightly above grade level. He did increase $1\frac{1}{2}$ years in his math level which is his weakest area, and is now functioning at the 4th to 5th grade level. He will be entering the 8th grade in September 1976. His Tofranil medication has been discontinued. Dick, as you know, will be 14 in October of 1976. He currently is not in an outside counseling program. He was in a group counseling program at the Carl Buck School with counseling intervention sessions, when necessary, on an individual basis. His parents petitioned the school district for funds to continue his learning experience at the Carl Buck School, and the request apparently was turned down.

The youngster indicates that he wants to go back to the private school and stated that he didn't want to go back to public school "because there are a bunch of creeps in public school."

Mental Status Examination:

The youngster was oriented to time, place, and person. He presented as a very angry young man, with a very negative self-concept and negative group identity. He was very guarded and apparently has difficulty trusting. He is generally frightened at the prospect of public school. Of interest was that when he did the family drawing, he left himself out of the picture, which reinforces the basic concept of negative group identity. The youngster does not do particularly well with his own peers in the neighborhood. He indicated that he doesn't have many friends in his neighborhood where he has lived for nine years. Within any group that the youngster has

Mr. Ken Larson
August 18, 1976
Page 2

primary involvement, he has a negative conceptualization of himself as a group member. There is a significant sense of isolation and frustration within the youngster. There was no evidence of hallucinations--no evidence that the youngster is using street drugs. Cylert is the only medication he is taking at this time.

My basic impression remains essentially the same--adjustment reaction to adolescence in a youngster with minimal brain dysfunction and hyperactive syndrome. There are depressive features, and a very negative self- and group-identify. There is a specific learning disability which appears to be responding to special programs provided at the Carl Buck School.

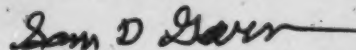
Summary Comments:

It is apparent that the Carl Buck School did prove its worth to the youngster, and he responded significantly well to the program and to the small classes. It is also apparent that school will be difficult for the youngster, and he will need counseling support. I would also recommend a special tutorial program, particularly in math, in order to reinforce the youngster's progress and help him to continue to improve in those areas in which he has had difficulty.

On the basis of the progress Dick made at the private school, I would recommend he remain at least one more year. However, at some point, he might well find it helpful to return to the public school in order to adjust to a more "normal" environment. He certainly can't continue in special settings for an indefinite period of time.

If any specific questions arise, please feel free to contact me at your convenience.

Sincerely,



Sam D. Garn, M.D.

NOTE: See P.L. 94-142, Sections 121a.532 and 121a.503.

CARL BUCK SCHOOL FOR EXCEPTIONAL CHILDREN

TESTING OFFICE

PSYCHO-EDUCATIONAL EVALUATION

Name: DICK EASTDate of Birth: 10/17/62 CA: 12 years, 10 monthsDate of Testing: 8/5/75Reason for Testing:

To obtain a behavioral analysis, an estimate of intellectual potential, an assessment of academic achievement, and a profile of learning strengths and weaknesses to aid in school placement and funding evaluations.

Tests Administered:

Wechsler Intelligence Scale for Children
 Bender Gestalt Test
 Kinetic Family Drawing
 Wide Range Achievement Test
 Gray Oral Reading Test, Form A
 Gates-MacGinitie Reading Survey, Form D

Test Behavior:

Dick, a handsome, slightly built youngster with a serious, reserved manner, appeared somewhat unsure of his ability to perform the visual-motor tests that were quite difficult for him. His uncertainty was expressed by increased tension and by a tendency to "skip over" items about which he was unsure. His attitude changed, however, on the verbal testing, reflecting good concentration, an alert mind, and self-confidence.

Test Evaluation:Wechsler Intelligence Scale for Children

Information	10	Picture Completion	12
Comprehension	13	Picture Arrangement	12
Arithmetic	7	Block Design	10

Similarities	15	Object Assembly	15
Vocabulary	14	Coding	7
(Digit Span	7)		
Verbal IQ	111		
Performance IQ	106		
Full Scale IQ	109		

The above profile of scores, with tests involving the manipulation and retention of numbers and fine-motor control falling quite low on the scale and abstract conceptualizing ability and vocabulary knowledge far above average, strongly suggests that Dick's bright normal potential has been seriously limited by specific learning disabilities. Also, the difficulty Dick encountered in synthesizing block designs, especially those containing diagonal segments, further substantiating the presence of perceptual problems which have made the acquisition of reading, arithmetic, and spelling skills a frustratingly difficult task for Dick.

On the verbal scale, Dick's scores ranged from superior in abstract conceptualizing ability to low average in arithmetical reasoning and short-term sequential memory. Deficits in these latter two abilities must be very frustrating for, indeed, he has a bright, quick mind which quickly grasps abstract associations and the essential characteristics of words and ideas. A side-effect of learning disabilities was noted in his relatively small fund of general information--a result of limited reading skills.

Performance on the visual-motor items showed a significant lag in the development of fine-motor control, and the residue of problems in perceptual organization. Deficits in these areas have seriously limited the acquisitions of efficient handwriting skills and ability to assess spatial and numerical relationships.

Bender Gestalt Test

He made three errors on this measure of perceptual-motor ability that were highly significant on minimal brain dysfunction. Here, as on the WISC performance section, he encountered his greatest difficulty in integrating forms in space.

Kinetic Family Drawing

The most significant aspects of pictures were their extremely small size and the heavy ground lines drawn underneath each, in turn, indicating that he is a repressed, inhibited youngster who presently feels quite insecure. This is not uncommon in hyperactive children who have had to struggle to control impulsive behavior and fear lack of self-control.

Wide Range Achievement Test

	Grade Score
Reading (word recognition)	6.5
Spelling	3.3
Arithmetic	3.9

It must have been extremely frustrating for a child with his bright intelligence to find school such an uphill struggle. For presently, he is achieving three years below grade level in spelling and arithmetic. Although word recognition is adequate for his age, occasional transpositions and reversals reflect the problems in visual perception with which he copes. These problems, together with deficits in visual and auditory sequential memory, have made it very difficult for him to acquire the sound-symbol associations basic to spelling. He needs multisensory training to help strengthen these associations.

In arithmetic, his perceptual difficulties showed up as weak assessment of numerical distance and erratic recall of the multiplication tables and number placement. Remediation should begin with a review of the multiplication facts and operations using an abacus or other tactile aids to aid his understanding of what they represent.

Gray Oral Reading Test

	Grade Score
Speed and Accuracy	4.8
Oral Reading Comprehension	3rd Grade-8th Grade 100% 9th Grade 75%

Although his oral reading of content material was slow and halting with many repetitions and loss of place, his understanding of what he read was excellent. He was penalized heavily on this test for his slow rate of reading which lowered his score. Here also, as on other reading tests, there was a vast discrepancy between his technical reading skills and his fine abstract conceptualizing and vocabulary abilities.

Gates MacGinitie Reading Tests

	Grade Score
Silent Reading Comprehension	6.8

Here, as on other tests, he was penalized for his slow rate of reading. However, although he was unable to finish the test, he acquired a score adequate for his grade level, but in no way reflecting his actual excellent ability to comprehend what he reads.

Summary and Recommendations:

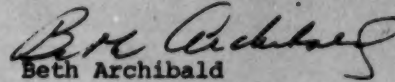
Dick, a handsome youngster with bright normal potential, shows all the "soft signs" of minimal brain dysfunction. These include:

1. Deficits in perceptual organization affecting his ability to synthesize visual patterns and assess numerical and

- spatial distance;
2. A vast discrepancy between academic achievement and his intellectual potential;
 3. A lag in fine-motor development; and
 4. Feelings of inadequacy and helplessness.

It is expected that Dick would feel increasingly tense and insecure in a regular public school environment, for despite his best efforts and those of the special education class he has attended, he is three years below grade level in arithmetic and spelling.

Placement in the Carl Buck School for Exceptional Children is, therefore, recommended together with group psychotherapy. Such a combination will provide Dick with the individualized remedial program and the opportunities to build the more relaxed, uninhibited and self-confident attitude he needs to cope effectively in school and outside.


Beth Archibald
M.A. Psychology

NOTE: See P.L. 94-142, Sections 121a.532 and 121a.503.

CARL BUCK SCHOOL FOR EXCEPTIONAL CHILDREN

TESTING OFFICE

PARTIAL ACADEMIC EVALUATION

Name: DICK EASTDate of Birth: 10/17/62 CA: 13 years, 4 monthsDate of Testing: March 3, 1976Reason for Testing:

To obtain a current assessment of academic achievement to estimate progress.

Tests Administered:

Wide Range Achievement Test
Gates MacGinitie Reading Test, Survey D, Form 1

Test Behavior:

Dick appeared much more self-confident and sure of himself than in previous testing accomplished in August of 1975. He chatted in a relaxed manner with the examiner and had no difficulty expressing his feelings about school, home, and a variety of subjects. Along with Dick's growing self-assertiveness, some feelings of repressed anger and hostility appear to be surfacing, which can be dealt with and worked through best in the controlled atmosphere of group therapy sessions. Because Dick's personality is in the process of emerging, it is felt that he needs more time and a structured school situation that can provide the therapeutic techniques he needs to help him to integrate the gains he has already made.

Test Evaluation:

<u>Wide Range Achievement Test</u>	Grade Score
Reading (word recognition)	8.5
Spelling	4.0
Arithmetic	4.5

As can be seen from the profile of scores, Dick has made progress since

he entered the Carl Buck School. This is especially apparent in reading. Although word attack and word recognition show considerable growth, the most significant gain has been the development of Dick's interest in reading. Deficits in visual-sequential memory still affect his ability to retain the image of letters in progression. He will need continued remedial work using tactile aids such as the Fernald Method in order to build an adequate vocabulary of spelling words.

In arithmetic, he shows a good knowledge of complex addition and subtraction operations involving borrowing and carrying. However, he still appears unsure of his multiplication facts and needs further remediation in this area.

Gates MacGinitie Reading Test

Grade Score

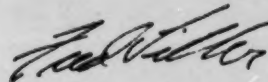
Silent Reading Comprehension

7.1

When Dick is allowed ample time to read his way slowly through content selections, he can utilize his good abstract conceptualizing abilities to work out the meaning of paragraphs rated up to the 7th grade of difficulty. With his new-found interest in reading, his understanding of what he reads should grow at a proportionate rate. Since Dick's desire to read independently is only a recent development, no pressure should be brought to bear at this time to increase his reading rate or to attempt material beyond his frustration level. As with personality development, Dick is presently very vulnerable to the pressures which initially led to his lack of self-confidence in school and to his poor self-image.

Summary Recommendations:

It is felt that Dick needs time to integrate his emotional, social, and academic gains, and that placement in a large junior high school, which cannot provide the step-by-step individualized instruction and opportunities for peer-group discussion that he currently requires, would lead to regression.



Fred Tiller, Ph.D.
Educational Diagnostician

CARL BUCK SCHOOL FOR EXCEPTIONAL CHILDREN

July 1, 1976

LOWER SCHOOL STUDENT OF THE YEAR

DICK EAST

I. Academic

Dick has worked very hard in all subjects. In the space of nine months, he has raised his reading level, two years; his spelling, seven months; and math, seven months. He has become an avid reader, knowledgeable in current events, and is very interested in science and the environment.

His art work is outstanding. He is neat, organized, and completes all assignments.

II. Social

Dick was withdrawn and shy when he first came in September. He has since emerged as one of the class leaders, especially in physical education. He was the goalie against Congressional in the soccer game and did an outstanding job.

He is respected by his teachers and peers for his insight, honesty, and candor.

III. Emotional

Dick has made outstanding gains during the year in self-confidence and self-esteem. He has begun to assert himself and a real personality has emerged. He is aware of his problems and discusses them openly and frankly. I highly recommend him for Lower School Student of the Year.

John May
John May
Teacher

CARL BUCK SCHOOL FOR EXCEPTIONAL CHILDREN

August 6, 1976

SPECIAL REPORT

Name: DICK EAST

Date of Birth: 10/17/62 CA: 13 years, 10 months

Date of Report: 8/6/76

The following is a current assessment of Dick's academic, emotional, and social progress:

Test	8/5/75	3/3/76
Wide Range Achievement Test		
Reading	6.5	8.5
Spelling	3.3	4.0
Arithmetic	3.9	4.5
Gates MacGinitie Reading Test		
Silent Reading Comprehension	6.8	7.1

As can be seen from the test scores, there was improvement noted. Dick has become more self-confident and sure of himself in accomplishing academic tasks. This is primarily due to the individualized program that was specifically designed for him. He continues to need remedial assistance in the areas of math and spelling. Placement in a small class where individualized assistance can be afforded is highly recommended to ensure the continuation of Dick's academic progress.

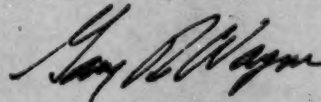
In the social and emotional areas, we feel that Dick's personality is in the process of emerging. He has become more self-assertive. He has become more comfortable with himself and his self-image. He was able to express himself verbally in such a manner that would not get others upset with him, and he developed a friendship with several of his peers.

We feel this came about as a result of:

1. The individualized attention that he received;

2. The discussion group of which he was a member;
3. The total school environment.

It is felt that he needs more time in a structured school situation that can provide the therapeutic techniques that he needs to help him to integrate and stabilize the gains he has already made.



Gary DeWayne
Director, Lower School

CARL BUCK SCHOOL FOR EXCEPTIONAL CHILDREN

August 24, 1976

Mr. Ken Larson
Legal Counselor
2266 Maple Street

RE: Proposed Program for Dick East,
1976-77 School Year

Dear Mr. Larson:

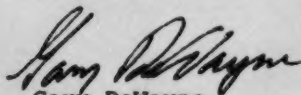
It is strongly recommended that Dick return to the private school for at least one more year.

The following is a general program for Dick:

- A. Placement in a structured therapeutic environment.
- B. Placement in a class of ten students who have similar problems.
- C. Placement in a group counseling program of eight students or less.
- D. Placement with a highly qualified teacher and teacher assistant.
- E. Individualized instruction in all academic areas including physical education.
- F. Involvement in the Outdoor Education Program.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Gary DeWayne
Director, Lower School

EXHIBITS

RESPONDENT (PUBLIC SCHOOL)

Documentation of the public school's compliance with due process requirements is included in these exhibits.

(See pages 17-22, Hearing Officer Manual.)

REPORT OF STUDENT PROGRESS

Name Dick East 1967-68 Year
School Gray
Grade K
Teacher J. Forester
Principal Thomas

177 DAYS PRESENT 4 DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Short attention span. Does not attend to stimuli; daydreams.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (include family interests)

Last few months interested in art; family supportive.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Very immature. Does not interact easily with other students.

SPECIAL NEEDS

Not ready for the first grade.

ELEMENTARY SUMMER SCHOOL PROGRAM

Student Report--Skills Program

Name Dick East
Summer
School Center Gray Grade 1 (September 1968)
Date 6/24/68 to 7/19/68

Dick East has been enrolled in the following skills
courses during the 1968 Elementary Summer School Program.

☐ Remedial Reading
☐ Individualized Reading
☐ Oral Language
☐ Written Language
☐ Review of Mathematics
☒ Pre-First
☒ Pre-Second

13 DAYS PRESENT 6 DAYS ABSENT

Nancy Malone
Teacher

Copy 1: Parent's copy
Copy 2: School's copy

REPORT OF STUDENT PROGRESS

Name Dick East 1968-69 Year
School Gray
Grade 1
Teacher Fontain
Principal Thomas

179 DAYS PRESENT 3 DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Does not decode auditory messages. "Listens" but does not understand.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (Include family interests)

Enjoys talking and telling stories about war.
Enjoys PE--particularly square dancing; father plays for public dances.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Does not play with other students except in structured activities.

SPECIAL NEEDS

Unable to understand symbol skills. Below age level in reading--still at pre-reading stage. Needs more practice with alphabet skills.

REPORT OF STUDENT PROGRESS

Name Dick East 1969-70 Year
School Gray
Grade 2
Teacher Morover
Principal Thomas

178 $\frac{1}{2}$ DAYS PRESENT 5 $\frac{1}{2}$ DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Fine motor skills--writing is very difficult for Dick.
Eye-hand coordination is poor.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (include family interests)

Mother comes to school frequently. Is concerned about Dick's work--and the work of his sister and brothers.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Enjoys talking to adults--especially one-to-one.

SPECIAL NEEDS

Needs help in academic areas.

REPORT OF STUDENT PROGRESS

Name Dick East 1970-71 Year
School Gray
Grade 3
Teacher Otton
Principal Thomas

179½ DAYS PRESENT 4½ DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Fine-motor coordination poor. Unable to distinguish between "d" and "b." Difficulty with written materials.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (include family interests)

Material about war, weapons, and science are the only topics to which he will attend. Closes his mind to other information.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Not a behavior problem. Quiet and withdrawn in many interaction situations.

SPECIAL NEEDS

Written materials developed around areas of interest. More evaluation of learning problems needed.

REPORT OF STUDENT PROGRESS

Name Dick East 1971-72 Year
School Madsen
Grade SLD
Teacher Ted Jackson
Principal Jim Palmer

179½ DAYS PRESENT 4½ DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Excellent auditory channels; some reversal problems noted occasionally. Gross motor coordination is very good--fine motor needs more attention.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (Include family interests)

Dick's interest and motivation are high. His attitude has changed from express dislike to apparent enjoyment. Family interest and assistance are supportive.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Well-liked. Elected president of our class. Very comfortable with adults. Great concern and compassion for others. Usually very fair to others.

SPECIAL NEEDS

Remain in this program--perhaps try another math group.

REPORT OF STUDENT PROGRESS

Name Dick East 1972-73 Year
School Madsen
Grade SLD
Teacher Ted Jackson
Principal Jim Palmer

172½ DAYS PRESENT 7½ DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

"b" and "d" reversal is still a cause for hesitation in reading and writing. Good auditory channels. Fine-motor skills are in need of refinement.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (include family interests)

Exceptional interest and motivation for a SLP child. His curiosity and a warm accepting family are enabling him to make progress in reading. His self-image is improving.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Well-liked by peers. Is always elected to school offices. Extremely fair. His support is sought by others. Very compassionate; he reacts strongly to insensitivity in others. At ease with adults.

SPECIAL NEEDS

Return to special education.

REPORT OF STUDENT PROGRESS

Name Dick East 1973-74 Year
School Madsen
Grade SLD
Teacher Joe Black
Principal Jim Palmer

167 DAYS PRESENT 13 DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Dick doesn't appear to have any perceptual problems. He has good control over his small and large muscles. He has very good coordination and excellent body image.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (include family interests)

Dick loves to draw and gets outstanding support from his parents. His parents are very active in the school programs. He also has a lot of common sense. He is keenly aware of the social problems around him.

BEHAVIOR AND RELATION WITH PEERS AND ADULTS

Dick also loves music. He gets along well with his peers. He loves male approval and conversation.

SPECIAL NEEDS

Dick is involved in a diagnostic program at Golden Clinic. No special needs are seen at this time.

REPORT OF STUDENT PROGRESS

Name Dick East 1974-75 Year
School Madsen
Grade SLD
Teacher Joe Black
Principal Jim Palmer

175 DAYS PRESENT 5 DAYS ABSENT

PERCEPTUAL AND PHYSICAL DEVELOPMENT (auditory, visual, body image, coordination of large and small muscles)

Dick has overcome most of his perceptual problems. He is learning to use his small and large muscles.

PUPIL INTEREST, ATTITUDE AND MOTIVATION (includes family interests)

Dick loves adult approval. He prefers male teachers. He is quite possessive and finds it hard to share his loyalty. He has learned to get along with his peers. Outstanding growth in this area. He must have constant reassurance of his abilities.

BEHAVIOR AND RELATIONS WITH PEERS AND ADULTS

He loves the sea, the outdoors, and outdoor activities. He loves science and war stories. His parents demand high educational standards. Parents are cooperative with school. Outstanding conversationalist. His oral ability far surpasses his other skills.

SPECIAL NEEDS

Has need for more adult male approval.

REPORT FROM JANE ANDERSON
Private Reading Teacher

October 20, 1970

Dick was referred to me last year, and I have continued seeing him this year. His teachers felt that Dick had good potential as shown by his verbal capacity, vocabulary, and his deep interest in certain things such as wars, weapons, and science, but was doing poorly in reading and arithmetic. At this time, he is reading at about primer level and just getting started in arithmetic.

Dick is small for his age, adequate in his gross motor movements, but has poor fine-motor coordination. He is very easily distracted and seems unable to concentrate on many things, and yet he shows the capacity to be interested in a few things. He shows some perceptual problems and gets confused over "d" and "b." Dick is an inconsistent performer. He is not a behavior problem.

Last year, we worked with readiness and pre-primer materials, and on perceptual tasks. If the discussion was related to things in which he was interested, he would pay attention and could contribute. He has great difficulty handling written materials.

This year, I am trying experience stories with Dick. He selects his own subjects and dictates a story which he reads back to me. He enjoys this very much. We have also worked a little on arithmetic, but what he does not like, he turns off quickly.

I have enjoyed working with Dick because he is so intelligent in some areas, but at the same time, he baffles me because he seems to close his mind to other areas. I have not been able to teach him as much as I had hoped he could learn.

His mother has talked to me, and she is very concerned about

REPORT FROM JANE ANDERSON
Private Reading Teacher
October 20, 1970
Page 2

Dick and his sister as well. She tells me that she has very little patience in teaching Dick at home, and asked me whether I can also help Karen.

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D I S T R I C T

October 29, 1970

Mr. and Mrs. Richard East
9389 Main Street
City, State 00000

RE: DICK EAST

Dear Mr. and Mrs. East:

As we have discussed, we feel that an individual psychological, educational, speech & language evaluation, and vision & hearing screening would be helpful in understanding your child's particular needs. This may include conferring with your child, testing of general ability and educational achievement and/or an evaluation of feeling.

If you have any questions about these evaluations, or as to why we feel that they are necessary, please call me at 999-1111. When the evaluations are completed, an opportunity will be provided for you to discuss the results. You also may have access to these and any other educational records pertaining to your child.

We are not able to proceed with these evaluations until we have your permission to do so. Furthermore, you have the right to refuse to give your permission. Should you refuse to give permission, the public schools have the right to appeal your decision.

Please return the attached form to me at the above address at the earliest possible date.

Sincerely,

Norman Michaels

/xx

Enclosure

PUBLIC SCHOOLS
DEPARTMENT OF SPECIAL EDUCATION

PARENTAL PERMISSION FOR EVALUATION

I GIVE PERMISSION for the Public Schools to proceed with the

Psychological assessment	<u>X</u>
Psychological evaluation	<u>X</u>
Educational evaluation	<u>X</u>
Audiological	<u> </u>
Speech & language evaluation	<u>X</u>
Vision & hearing screening	<u>X</u>

of my child Dick East
(name of child)

I understand that I have the right to review my child's school records and to be informed of the results of these evaluations. I understand that no change will be made in my child's educational program as a result of these evaluations without my knowledge. I understand that I have the right to refuse to give permission for these evaluations.

11/8/70
(date)

Mrs. Richard East
(signature of parent)

I DO NOT GIVE PERMISSION for the Public Schools to proceed with the evaluation of my child, _____
(name of child)

I understand that I have the right to review my child's school records. I understand that the Public Schools may use established procedures to obtain authorization to proceed with the evaluation. I understand that if the Public School appeals my decision, I will be notified of my due process rights in these procedures.

(date)

(signature of parent)

PSYCHOLOGICAL EVALUATION

Name	<u>Dick East</u>	Date of Birth	<u>10/17/62</u>
School	<u>Gray Elementary</u>	Age	<u>8-1</u>
Referred by	<u>Alice Otton</u>	Grade	<u>3</u>
Parents	<u>Mr. & Mrs. Richard East</u>	Date referred	<u>11/10/70</u>
Address	<u>9999 Main Street</u>	Date	
	<u>City, State 00000</u>	Evaluated	<u>11/10/70</u>
Telephone	<u></u>		
Examiner	<u>Deana Green, Psychologist</u>	Date of Report	<u>11/19/70</u>

REASON FOR REFERRAL

Low academic achievement

TESTS UTILIZED

Wechsler Intelligence Scale for Children	IQ	%ile
Verbal	99	47th
Performance	87	19th
Full Scale	93	32nd
Wide Range Achievement Test	GE	%ile
Word Recognition	1.4	8th
Spelling	1.3	7th
Arithmetic	1.8	13th

BACKGROUND INFORMATION AND OBSERVATIONS

Dick was referred for psychological evaluation primarily because of concerns about his low level of academic achievement. In spite of the fact that he is a third grader, reading remains on a primer level as he has not been able to learn new words without a great deal of repetition and concentration skills are poor. Dick expresses himself well, particularly in those areas that interest him such as science or social studies, and has a sight vocabulary of about 75 words. Although he gets along well with teachers and peers, classroom behavior is often immature, and he will, at times, say that he "hates" school. Some problems with fine-motor coordination have been noted. Individual assistance from the special education teacher has been given in reading and math. No significant medical history was reported.

During the testing session, Dick, an attractive youngster, related warmly, was cooperative, and mildly enthusiastic about the test materials. No significant problems with overly-active or distractible behavior were noted. Dick talked relatively freely with the examiner and expressed himself well, although he was reluctant to discuss academic difficulties. He is right-handed, was able to differentiate between right and left body parts, and was able to hop fairly well. However, he had difficulty with skipping and could not tell time.

TEST RESULTS

Intellectual assessment places Dick within the average range, with a Full Scale IQ of 93, a Verbal IQ of 99, and a Performance IQ of 87. On the Verbal subtests, Dick achieved his highest score on a task calling for recall of factual information about the environment. His performance on this test was interesting, as he did not know such things as the number of pennies in a nickel or days in a week, but could answer some of the more difficult questions such as why oil floats on water. Dick's score on a task requiring verbal reasoning fell well within average limits, while scores on tasks calling for common sense reasoning in social situations and arithmetical reasoning were slightly below average.

On the Performance subtests, Dick's scores were significantly above average on a task calling for the sequencing of picture-story cards, and scored within limits on a task requiring attention to missing details in pictures. On the other hand, evidence of perceptual-motor problems was seen on tasks calling for the learning of new materials as related to visual-motor speed, abstract visual-motor reasoning, and visual-motor organizational skills. Sources on these tasks fell at the five- and six-year levels. Dick's attempts at reproducing the Bender-Gestalt figures fell within average limits for his age, and no evidence of neurological dysfunction was found. The learning problems that show up on the WISC appear to be relatively mild and specific to visual-motor organizational skills and abstract reasoning.

Achievement testing placed Dick on a first-grade level in all of the basic skills. Although he was able to recognize all of the letters of the alphabet, he could not write the alphabet from memory. He recognized only two of the test words ("me" and "to") and on words that he missed, problems with interchanging and reversing letters were noted. For example, the word "big" was read as "dog," and the word "hoe" was read as "wheel." Dick was able to spell only one of the test words correctly, and other attempts at spelling resulted in nonsense words. In arithmetic, he was able to perform simple addition and one subtraction problem.

A conference was held with Mr. and Mrs. East on 11/19/70 to discuss the results of testing. They are most interested and cooperative parents who are experiencing a great deal of frustration over Dick's lack of achievement, as well as an older daughter's reading problems. They were receptive to test results indicating that Dick's academic problems seem to stem from a combination of specific learning disabilities and behavior management conflicts in the home. The recommendations for assistance from the special education department as well as outside tutoring were well accepted. The parents are also very interested in becoming involved in the Behavior Modification Clinic and plan to attend the next meeting.

RECOMMENDATIONS

1. Consideration for part-time placement in a special education class or resource program.
2. The parents have been referred to the Behavior Modification Clinic and should be encouraged to follow through.
3. The parents have also been given the name of several private remedial reading programs which could be of help to Dick.

Deana Green
Psychologist

WILSON EVALUATION CENTER

February 11, 1971

Mrs. Marsha Smith
Board of Education Office
City, State 00000

RE: Dick East
Karen East

Dear Mrs. Smith:

As requested by Mr. and Mrs. Richard East, enclosed please find our evaluations of their children, Dick and Karen.

If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Elaine A. Wilson

Elaine A. Wilson
Director

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Enclosures

NOTE: The parents elected to have an independent evaluation of their son at their own expense. Under P.L. 94-142, they could have requested such an evaluation at public expense. Information gained through an independent evaluation must be considered in a hearing. In this case, the public schools have entered the independent evaluation as evidence; however, the parents could have entered it as well. (See P.L. 94-142, Section 121a.503.)

WILSON EVALUATION CENTER

PSYCHOLOGICAL CONSULTATION

DICK EAST
Age: 8-3
Date of Birth: 10/17/62

Tested: 18 December 1970
Tests: WISC; Benton Visual
Retention (A&C); HTP

BEHAVIORAL OBSERVATIONS

Dick is an open, friendly youngster who very early in testing displayed signs of restlessness and hyperactivity. His impulsivity was apparent in his disposition to guess at answers requiring delay and thought. Dick himself appears to be aware of his hyperactivity; he said, for instance, "I always think of action like playing army . . . just can't stop running around." As testing progressed, Dick became increasingly impatient and eager for termination. He was able, however, to control his restlessness to some extent and was cooperative throughout testing.

Dick appeared to have significant difficulty in grapho-motor tasks. He gripped the pencil maturely, but applied very heavy pressure. In copying designs, he often became confused, e.g., turned the drawing paper instead of the design cards; his attention span appeared to be limited as well as was fine-motor modulation. Throughout these tasks, he had a very intense expression on his face.

Dick is in the third grade, and said school was terrible--"School's not there to have fun." He especially doesn't like "just sitting there doing math." He used to hate homework, but now his teacher "forgets" to give it to him. When asked to make three wishes, he wished for a bomb, a pellet gun, and an M-16 rifle. When asked what animal he would like to be, he chose to be a Tasmanian Devil--"They're mean; they don't get attacked." He volunteered the following: "I don't like being little; I wish I was sixteen; then I would boss myself."

TEST RESULTS

Dick's level of intellectual function is in the "average" range. He obtained a Full Scale WISC IQ estimate of 99 (Verbal: 110; Performance: 86). Dick's performance scores are strikingly inferior to his verbal scores; this is largely a reflection of the greater demand for sustained attention in performance tasks and, secondarily, the requirement for fine-motor manipulation in some of them. He is extremely impulsive, and this characteristic lowered some of his verbal scores as well as performance scores.

Dick's performance on the memory version of the Benton Test reflected numerous errors, and was very strongly suggestive of impairment. On the direct copy version, he made fewer errors, but still many more than would be expected; furthermore, a great deal of disorganization in terms of placement of his drawings was evident. This pattern of results suggests that, in addition to impairment in his ability to concentrate in the visual sphere, there is significant dysfunction of visual-motor integration.

Dick's HTP drawings reinforce the findings of the Benton and WISC, reflecting poor fine-motor control.

CONCLUSION

Dick is a youngster currently functioning at an "average" intellectual level. He appears to have "above average" potential that is not being realized because of significant difficulty in sustaining attention, controlling impulses and hyperactivity. In addition, he has significant difficulty in visual-motor integration. This pattern of behavior and test performance is suggestive of neurological dysfunction.

RECOMMENDATION

Dick displays many of the symptoms of "neurologically based learning disability;" accordingly, he can be expected to benefit from a small classroom setting with an appropriately trained educational specialist. I would suspect that a trial on stimulant medication might be useful in this instance; therefore, Dick should be evaluated and followed-up by a child psychiatrist.

Paul G. Martin, Jr., Ph.D.
Consulting Clinical Psychologist

WILSON EVALUATION CENTER

DIAGNOSTIC EVALUATION

Name: Dick East

Date: December 19, 1970

Birthdate: 10/17/62

Dick was referred to the Wilson Evaluation Center for evaluation because of poor school performance, restlessness, and easy distractibility.

He is an attractive boy of average height and weight--somewhat hyperactive and distractible. He is friendly and verbal. His gait is normal. Gross-motor skills are done well. He is slightly clumsy with fine-motor skills.

Dick often misheard or misunderstood me. For example, I asked him what his parents were like and he replied, "My father likes drums; my mother likes swimming." He often misuses pronouns, especially he and she.

The basic themes reflected through his play activity, fantasy, and discussions are impulsivity, concern about impulse control, and fear of body damage. He is anxious. There is no suggestive evidence of guilt.

Dick wanted to race cars and motorcycles; he liked to play with guns, and often referred to his father who was a gunner in the army. In his fantasy, racing drivers crash and need stitches; soldiers get shot. His dreams are usually scary nightmares about monsters who are destroyed by the army; he wakes up scared and runs in to mother.

At one point, he spoke of his fantasy about racing and guns; then followed by mentioning a bad dream about a giant monster; then commented that his father was a musician who worked every night and was rarely home. He expressed unhappiness that he rarely saw his father, and when he did, he was too tired to do anything with him.

In summary, Dick's history, plus several clinical observations, suggest the probability of learning disabilities. His anxiety, concern with impulsivity, impulse control, and body suggest unresolved oedipal issues. Although eight, there is no evidence of movement into latency (i.e., evidence of a superego).

The educational issues are to be clarified. The psychopathology needs to be explored further. Family and individual therapy should be considered.

Lynn B. Sands, M.D.
Consulting Child Psychiatrist

WILSON EVALUATION CENTER

EDUCATIONAL EVALUATION

CONFIDENTIAL

Name Dick East

Date December 1970

Date of Birth 10/17/62

Dick East--slightly built, likeable youngster with bangs, looked younger than his eight years--was seen recently to assess his learning strengths and weaknesses.

Dick, who was friendly throughout the two-hour session, was inquisitive about materials in the room. He became restless after about three-quarters of an hour, and if things were left on the table in front of him would play with them, such as pressing a pencil on the table until the point broke. At times, he had other things on his mind, besides the test at hand, such as something he wanted his mother to buy him after the session. Other times, his actions seemed to be impulsive.

The evaluation consisted of the following types of tasks:

1. Standardized tests--selected subtests from the Detroit Tests of Learning Aptitude and Wepman Auditory Discrimination Test.
2. Academic tasks to assess oral reading word analysis, command of verbal and written language, spelling, knowledge of the structure of the number system, as well as mastery of mathematical concepts and facts.
3. Non-standardized tasks involving ability to remember spatial and temporal sequences.

Results of Standardized Tests:

Detroit Subtests

Visual Attention Span for Letters	7.0 M.A. equiv.
Auditory Attention Span for Unrelated Words	6.9
Verbal Opposites	11.6
Oral Directions	6.8
Memory for Designs	9.3

Spache Diagnostic Reading Scales

Easiest selection given (1.6) too difficult for him to read.

Weyman Auditory Discrimination Test

Adequate development

Testing, both informal and formal, revealed that Dick has problems with direction and space in his handwriting, confuses similar letters (p-q-b), has difficulty remembering the sequence of sounds, and is confused regarding temporal sequencing, and language regarding spatial concepts. He also can be readily distracted and, at times, has difficulty concentrating on tasks.

Academically, his handwriting is very poor; his reading is at the stage where he knows a few sight words and has associated the sounds of consonants with their printed form, but not vowels. In arithmetic, he still uses his fingers or lines on paper to aid computation and, in this manner, could figure out a few simple addition and subtraction problems.

To elaborate first on the Detroit subtests, his strength was in the area of verbal opposites. He had difficulty remembering and applying the oral directions given to pictures presented as many of these involved spatial concepts. For instance, he missed an item such as "draw a line from the thimble to the star that will go down under the comb and up over the hammer." When asked to tell what he had seen from memory, he could only remember three presented at once and after that confused all the p's and q's.

In the area of general information, he did not know his birthday nor the state in which he lived. He kept saying, "Seabrook isn't a state." He did, however, know he was in Rhode Island. He did not know the day of the week. He was able to tell me what day came after Friday, but didn't notice when the question was changed to what day came before Tuesday and said, "Wednesday." His concept of the term, "before," as applied to months was also poor. He did not know the present month and said, "October." When asked, "What month does Christmas come in?" he said, "August?" When asked to name the months of the year, he said, "June, July, August, and December."

In other aspects of language ability, Dick could tell the story of "Goldilocks" in good sequence and sentence structure, though he used the term "broke up" instead of "broke." He was able to categorize words, name some "means of transportation," and some "green vegetables." He was also able to identify by name parts of his body, such as: ankles, knuckles, shoulders, etc., and could correctly follow directions such as "Put your right hand on your left ear."

Turning to reading, Dick is performing much like a beginning first grader. He knows the names of letters, but he has no concept of vowels or their sounds, and guesses words on the basis of their first or last letter. "On" was read as "not," "came" as "come," "way" as "will." When asked to write words, he confused the sequence of the letters, as he did occasionally when taking a sound-blending test, e.g., cow was repeated as "owe."

His spacing, as noted previously, is very poor in writing, with letters in the middle of the space rather than on the line and of varying size. Capitals are sometimes used for small letters. When he wrote numbers, the four was reversed and the eight was started in the wrong direction. He said that he couldn't write a story when shown the Myklehurst Picture Test, but did write, "I see a beg" (boy).

Dick's problems with reversals turned up in arithmetic, too, where he read forty-one as fourteen. He could only count by two's as far as ten, and when counting down by two's from ten, he lost the sequence, saying, "ten, nine, two, four." He also could not count down by five's or ten's. While he could figure out some simple problems with his fingers, when he came to a problem with twelve, he said, "I don't have enough fingers for twelve." He was able to figure out $9 + \underline{\quad} = 10$, but could not do $10 + \underline{\quad} = 20$ or $7 = 4 + \underline{\quad}$.

Dick uses his right hand and favors his right eye.

To sum up, Dick is a pleasant youngster with learning disabilities involving vision perception, spacing, and sequencing, whose present academic functioning is on first grade level. Remedial educational therapy, involving structuring of material, a linguistic approach in reading, and the use of concrete materials in arithmetic, is strongly urged.

Some suggestions regarding techniques and materials for use with Dick are:

1. Break work into short assignments.
2. Have him repeat all directions.
3. Be sure he understands any directions involving spatial concepts.
4. Writing
 - a. Developmental Learning Materials Control Paper (Catalog #P108) and graph paper 1" and then 1/2" (#P147)----3505 North Ashland Avenue, Chicago, Illinois 60651.
 - b. Handwriting We See Workbooks----B. F. Skinner and Sue-Ann Krahower, Lyons & Carnahan, Chicago; Affiliate of Meredith Corporation.
5. Arithmetic
 - a. Catherine Stern Structural Arithmetic--blocks and workbook, Houghton Mifflin, Boston, Book 1.
 - b. Use of 1" graph paper above to improve spacing of written problems.
6. Reading

Linguistic approach, multi-sensory wherever possible. SRA Basic

Readers, 259 East Erie Street, Chicago, Illinois.

Supplemental-Programmed Readers, Sullivan Associates, Webster Division, McGraw Hill Book Company.

After he gets a start with SRA Basic Readers, American Book Company might also be used for supplemental reading, or as the basic reader.

7. Training in visual discrimination with materials such as parquetry designs from Developmental Reading Laboratories; training in visual memory, e.g., put a simple figure on board, cover, and have him draw from memory; put out three to five blocks from parquetry set and let him reproduce designs from memory; training with similar words--put a key word at the top of the page and let him pick out all identical words from a sheet of similar words.
8. Much work in auditory discrimination--which of three words begin the same, sound the same, in the middle and end, etc. Work in sequencing of auditory sounds--training in this can be done first with such items as bells, buzzers, drums, etc.; three items may be sounded and Dick asked to duplicate them. This could be made increasingly difficult, and then changed to speech sounds for repetition and blending into words.

Harriet Gardner
Educational Therapist

GOLDEN
UNIVERSITY
CLINIC

May 29, 1975

Miss Susan Kasper
Pupil Personnel Office
School District
Central Administrative Office

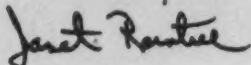
Dear Miss Kasper:

I am writing at the request of Mr. and Mrs. Richard East to supply you with the two-year follow-up evaluation on Dick East. Enclosed are copies of the original case summary (2/28/73) and the follow-up report (12/11/74).

Dick continues to fall behind in his school work, and we are concerned about his progressive sense of inadequacy and failure with each year. In our opinion, a special education setting would be desirable if this can be arranged through the help of your office.

Please do not hesitate to contact me if you think that would be helpful.

Sincerely,



Janet L. Raintree, M.D.

/ee

Enclosures

GOLDEN
UNIVERSITY
CLINIC

CASE SUMMARY

Name Dick East Date 2/28/73
Birthdate 10/17/62

Dick East is a ten-year-old (BD--10/17/62) white male referred to our clinic by the school psychologist because of learning problems and short attention span.

Dick has been very active from infancy, requiring little sleep. School problems began in kindergarten with immaturity and short attention span. Perceptual and fine-motor problems were noted early, and he was placed in a special learning class in 1971. At present, hyperactivity does not seem to be the major symptom.

In our clinic, Dick was talkative and open, not depressed or hyperactive. Neurological examination was normal, and there was some slight difficulty with skipping. E.E.G. was normal. Psychological testing initially showed an IQ full scale of 82 on WISC. Difficulties in the visual motor area were apparent on the wide range with all subtests below grade level.

On 12/21/72, Dick was started on 75 mg of Imipramine with dramatic results both in school and at home. Post-psychological testing showed overall intellectual functioning in average range. On 2/8/73, Dick was referred from the clinic with the following recommendations:

1. Continue Imipramine 75 mg/day.
2. Continue special education classes because of particular visual-motor problems.

Polly O. Quait, M.D.

GOLDEN
UNIVERSITY
CLINIC

TWO-YEAR FOLLOW-UP

Name Dick East Date 12/11/74
Birthdate 10/17/62

Dick is a 12-year-old boy in a special classroom setting, who was seen on 11/25/74 for a two-year follow-up examination, off medication. He has been on imipramine (75 mg/day) for approximately two years, with the exception of two weeks prior to the evaluation. Weight and height are at the 10th percentile for age. At the initial evaluation, height was at the 10th percentile for age.

The mother indicated that Dick has friends. She views major problems as poor school achievement and a pessimistic attitude.

Dick was very sensitive about the adequacy of his performance. He attempted to cover his work and occasionally avoided or resisted by not responding or saying, "I don't know." It is very important to emphasize that later in the evaluation, he discussed his unhappiness with school; he has a strong desire to improve. He finds being in the same class with his brother very frustrating.

Dick has obtained an IQ in the middle of the average range of intelligence on two of three administrations of the WISC over the past two years. Math and reading achievement as measured by the Wide Range Achievement Test (11/25/74) is three or more years below grade.

His teacher, Mr. Black, indicated that word recognition skills were near the fifth grade level. However, he reported reading comprehension is below the fifth grade level. Mr. Black sees Dick as having friends, but very upset about being in the same class with his brother.

Recommendations

1. To continue on imipramine 75 mg/day.
2. Teacher-parent conferencing regarding a possible change of class placement.
3. Develop a very structured curriculum that determines baseline levels and rates progress from week to week.

4. Tutorial assistance may be necessary.

Daniel Robinson, M.D.

MADSEN ELEMENTARY SCHOOL

SUMMARY REPORT

Name Dick East Date June 17, 1975
School Madsen Elementary
Principal Jim Palmer
Teacher Joe Black

This report is written as an addendum to the 1974-75 Special Education Annual Evaluation. Its purpose is to clarify Academic Achievement (instructional levels), Behavior and Relation with Peers and Adults, and a detailed explanation of our recommendation for 75/76 placement.

Academic Achievement

A. Language

Oral development: 6² + very good progress

Writing skills: Cursive writing is very good; sixth level
 Written expression, weak--fourth level

Dick is extremely slow in completing any written assignments. Spelling is also a difficult area for Dick. Written language is Dick's most difficult area and will require a great deal of special assistance in a small-group setting.

B. Reading

6² Phonovisual Method--a very successful area for Dick. The high performance level was possible because of the small-group setting and the use of large-print cards. However, it should be noted that Dick does not perform as well in a regular reading program using the basal reader.

A recent diagnostic evaluation of Dick's reading skills shows a 5² instructional level:

Word recognition.....	80%	4th level
	70%	5th level
Comprehension.....	100%	5th level
	85%	6th level
Oral reading.....		5th level, average
		6th level, low average

Dick's strengths in reading lie in his ability to comprehend material on and above his instructional level and the ability to use context clues.

Although he was able to self-correct a few errors (5-6 level) in word recognition, he was very slow to use structural analysis and phonetics to decode totally unfamiliar words.

It should be noted that although Dick can successfully perform near grade level in reading (in small groups), the accompanying written requirements would present great difficulty for him, and he would require a great deal of follow-up by the teacher; hence, our recommendation for special programming.

C. Math

Instructional level is 3² with little progress to higher level skills. Dick did do very well at the 3² level with small-group instruction.

Behavior and Relation with Peers and Adults

Clarification of statement, "Likes males over females." The statement referred to Dick's preference for working with male teachers rather than females. However, it should be noted that Dick's successful school experiences have occurred while working with male teachers in small-group situations. In earlier school situations, Dick was unsuccessful in academic achievement in large groups with female teachers.

Recommendation for Placement

The Building Team's recommendation for 75-76 school year was, "regular placement--7th grade--with special programming." To clarify this, Dick needs to be placed in a setting which will allow him to capitalize on his strengths (reading and oral communication skills) and receive the needed assistance in his weaker areas (math and written language).

While we feel that Dick has made a great deal of progress in the last few years, it is essential to his continued progress that he receive extra help in small-group settings to strengthen his weak skill areas.

In a regular junior high school, Dick would require the services of a resource program which would give him the continued support and assistance needed to complete written requirements.

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D I S T R I C T

Mr. and Mrs. Richard East
9999 Main Street
City, State 00000

RE: Dick East

Dear Mr. and Mrs. East:

This is to inform you that on June 3, 1975 your child, Dick, was considered for admission to the program for learning disabilities (resource) by the Eligibility Committee. It is the responsibility of the committee to determine (a) whether the data are current and sufficient or whether additional data are required, and (b) whether the child is eligible for placement in a special education program.

It was the committee's recommendation, based on a review of psychological, educational, medical, and speech and language assessments as well as social case history information, that Dick is eligible for placement in a public school program for the learning-disabled student. The names and positions of the persons recommending this action and the reasons for the action are specified on the attached Special Placement form. In addition, a description of the proposed program is enclosed for your information, as well as due process procedures.

In order that your child may participate in a special education resource program, your permission is required. In addition, Public Law 94-142, The Education of All Handicapped Children Act, specifies that an individualized education program (IEP) must be developed for every child prior to placement in a special education program. The IEP is a written statement of the services your child will require during the year. The law specifies that the IEP be developed by a team including the parent and appropriate school personnel. You will be contacted by Mr. Joseph Black for the purpose of arranging a conference at which time an IEP will be developed for your child. Any questions you may have concerning your child's program will be discussed at that meeting. Placement will then be effected upon completion of the IEP. A description of IEP procedures has been enclosed for your information.

You have the right to refuse this eligibility and/or you may request that a different program eligibility be considered. In order to appeal the

Mr. and Mrs. Richard East
Page 2

eligibility decision, you must notify me by letter that you are initiating an appeal. Further, I would like to inform you that you have the right to review your child's educational records at any time.

If my office can be of any further service to you, please do not hesitate to contact me.

Sincerely,

Jan Roberts

/yy

Enclosure

INDIVIDUAL EDUCATION PROGRAM

Child's Name <u>Dick East</u> School <u>Grant Junior High</u> Date of Program Entry <u>9/7/76</u>		Summary of Present Levels of Performance Reading 6.1 _____ Language 6.2 _____ Math <u>4</u> _____ Written work--slow _____ Fine-motor skills--poor _____ Verbal skills--good _____			
Prioritized Long-Term Goals: (1) Develop mathematical reasoning (2) Develop written expression (3) Participate in the regular program with minimum support					
Short-Term Objectives Knowledge of multiplication tables to 10x12 Write short paragraphs	Specific Educational &/or Support Services Resource Teacher Counselor, if needed	Person(s) Responsible Robert Paul	Percent of Time 15-20%	Beginning & Ending Date 9/7/76 to 6/6/77	Review Date 3/15/77
Percent of Time in Regular Classroom 80-85%	Committee Members Present Robert Paul--Resource Teacher Mr. & Mrs. Richard East--Parents Deana Green--Psychologist Jim Palmer---Principal, Madsen Elem. Dates of Meeting <u>June 15, 1976</u>				
Placement Recommendation Grant Jr. High Regular Program with resource room assistance					
Committee Recommendations for Specific Procedures/Techniques, Materials, Etc. (include information about learning style) Small-group experiences essential Assign to regular shop class Male teachers, where possible Assign to regular physical education program Use high interest materials					
Objective Evaluation Criteria for each Annual Goal Statement Grade level advancement as shown on the Wide Range Achievement Test. Able to participate successfully in regular math program with assistance. Able to write a short essay with fewer than five errors without assistance.					

EXHIBIT 70
R10

PUBLIC SCHOOLS

INDIVIDUALIZED EDUCATION PROGRAM (IEP)
FOR STUDENT'S INITIAL/TRIENNIAL PLACEMENT
IN A SPECIAL EDUCATION PROGRAM

I. Name Dick East Parent Mr. & Mrs. Richard East
 Birthdate 10/17/62 Address _____
 ID Number _____
 School Grant JA. High Date of IEP _____
 Team Meeting _____

II. Signature of Persons Present	Relationship to Student
<u>Mr. & Mrs. Richard East</u>	<u>parents</u>
<u>Joseph Black</u>	<u>Teacher</u>
<u>Dena Green</u>	<u>Psychologist</u>
<u>Robert Paul</u>	<u>Resource Teacher</u>

III. (Parent Initials)

RE I have received a written description of the program proposed for my child.

RE I have been informed of my due process rights, both orally and in writing.

RE I have participated in the development of the individualized education program (IEP) for my child.

O R

— I was unable to participate in the development of the individualized education program (IEP) for my child, but I do approve the plan.

--continued--

INDIVIDUALIZED EDUCATION PROGRAM (IEP) FOR STUDENT'S
INITIAL/TRIENNIAL PLACEMENT IN A SPECIAL EDUCATION PROGRAM--Page 2

I GIVE PERMISSION for my child, _____, to be enrolled in the program for _____ as described in the program description and the Individualized education program (IEP). I understand that I have the right to review my child's records and to request a change in placement at any time. I understand that I have the right to refuse this permission and to have my child continue in the present placement pending further action.

Date

Signature of Parent/Guardian

I DO NOT GIVE PERMISSION for my child, Dick East, to be enrolled in the program for Learning Disabilities (Resource) as described in the program description and individualized education program (IEP). I understand that I have the right to review my child's records and to request another placement. I understand that the action described above will not take place without my permission or until due process procedures have been exhausted. I understand that if my decision is appealed, I will be notified of my due process rights in this procedure.

6/15/76
Date

Mr. & Mrs. Richard East
Signature of Parent/Guardian

Copies: (1) Parent
(2) Cumulative Record
(3) Special Education Office (original)

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DISTRICT

June 16, 1976

Mr. and Mrs. Richard East
9999 Main Street
City, State 00000

RE: Dick East

Dear Mr. and Mrs. East:

In order that your child may participate in a Public School special education program, your permission is required. As you know, on June 15, 1976 an individualized education program (IEP) team meeting was held for the purpose of placing your child, Dick, in the special education program for learning disabilities (resource). Placement has been determined through consideration of your child's needs as described by the individualized education program (IEP).

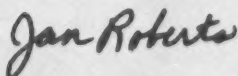
This is to inform you that you have the right to refuse to sign permission for your child's placement since resolution was not reached at the IEP team meetings and/or you may request that a different program placement be considered. Further, you have the right to appeal this decision,

In order to appeal the placement decision, you must notify the special education office by letter that you are initiating an appeal. Further, you have the right to review your child's educational records at any time.

Your child shall remain in the present educational placement until all due process procedures have been exhausted or until the proposed educational placement is accepted by both parties.

If my office can be of any further service to you, please do not hesitate to contact me.

Sincerely,



Jan Roberts
Administrative Assistant
Department of Special Education

JR/yy

Enclosure

GRANT JUNIOR HIGH SCHOOL

REPORT OF PARENT CONFERENCE

Date April 1, 1976
Child's Name Dick East
Parents' Names Richard and Yvonne East
Conference Initiated by Robert Paul
Time & Place of Conference 4 p.m.---Grant Junior High

Those attending the conference

Signature:

Title:

Mrs. & Mrs. Richard East
Robert Paul
Jim Palmer
George Bush

Parents
Resource Teacher
Principal
Teacher

Summary of content of conference

Grant Junior High School is able to provide the services needed by

Dick East.

TESTIMONY

PETITIONER (PARENTS)

NOTE: See pages 33-34 of the Hearing Officer Manual for information regarding testimony by witnesses. Also, see P.L. 94-142, Section 121a.508.

TESTIMONY--PETITIONER (PARENTS)

LEGAL COUNSEL: "When did you first realize that your son was having problems?"

MRS. EAST: "I have been worried about Dick ever since he started school. He is so small. I was afraid the other children might not treat him very well because he is so small. After kindergarten, he went to a special summer school. I hoped that it would help him, but it just didn't.

Dick's brother has had some reading problems. All my kids have. Karen had trouble, too. Since Bob learned to do as well as Dick, there have been some problems. Now their father is gone so much in the evening. He plays the drums, you know.

Anyway, school was so uncomfortable for Dick until he went to private school. Now he just gets on the bus and waves good-bye.....and we have a little peace of mind."

LEGAL COUNSEL: "Dick is happy about going to the private school?"

MRS. EAST: "Oh, yes. He is like a different boy. He comes home talking about the things he did. He really likes school now."

LEGAL COUNSEL: "Why do you think he should continue in the private school?"

MRS. EAST: "I'm afraid just one year is not enough. He needs more time to get his feet on the ground.

Maybe he will be ready in another year, but why should he be taken out of the private school now, when he is happy about school for the first time in his life?"

LEGAL COUNSEL: "Thank you, Mrs. East."

HEARING
OFFICER: "Do the public schools have any questions for Mrs. East."

JAN ROBERTS: "No, sir, we do not."

HEARING
OFFICER: "Mrs. East, I would like to know why you feel it would be so difficult for your son to return to the public school."

MRS. EAST: "Well, Dr. Garn, Dick's psychiatrist feels that a move would be bad for Dick right now. I agree.....Dick is doing better, but he could slip back, and I just couldn't stand to see that happen."

HEARING
OFFICER: "Thank you, Mrs. East."

LEGAL COUNSEL: "I would like to ask Mr. East a few questions.....Mr. East, why do you believe Dick should continue in the private school?"

MR. EAST: "I can't spend much time with Dick. I have to work at night. But I do know that for the first time, he is happy to go to school. And for me that is enough. I am doing pretty well with my jobs and everything, but I can't keep finding enough money to send Dick to that school. Anyway, he should get what he needs without paying, just like everybody else."

LEGAL COUNSEL: "Thank you, Mr. East."

HEARING
OFFICER: "Do you wish to ask any questions, Ms. Roberts?"

JAN ROBERTS: "No questions."

HEARING
OFFICER: "Thank you for your testimony, Mr. East."

LEGAL COUNSEL: "I have one more witness I would like to bring to your attention. Mr. May, you are Dick's teacher at the Carl Buck School for Exceptional Children. Is that correct?"

JOHN MAY: "Yes, that is correct. I have worked with Dick for the past year."

LEGAL COUNSEL: "Tell us about Dick."

JOHN MAY: "Dick has done very well since he entered the Carl Buck School. He had improved academically while in the public school program, but needed a lot of help emotionally. We put in a lot of time trying to build his self-concept. Dick is very interested in sports. He really enjoyed the opportunity to play on our soccer team.

We have a gym and swimming pool where we emphasize games and sports for kids like Dick."

LEGAL COUNSEL: "Is Dick ready to return to the public school program?"

JOHN MAY: "No, I don't think so. His adjustment to Carl Buck took most of the school year. Everything looks good for Dick right now, but he could regress if he is required to adjust to another new situation too soon. He needs a second year with us, so that he gains enough confidence to hold his own in the less sheltered public school environment."

LEGAL COUNSEL: "Thank you."

HEARING
OFFICER: "Any questions from the public schools."

JAN ROBERTS: "How many students do you have in your class?"

JOHN MAY: "Eight, counting Dick."

JAN ROBERTS: "Thank you."

HEARING
OFFICER: "Thank you, Mr. May."

LEGAL COUNSEL: "That concludes the testimony for Mr. and Mrs. East."

TESTIMONY

RESPONDENT (PUBLIC SCHOOL)

NOTE: See pages 33-34 of the Hearing Officer Manual for information regarding testimony by witnesses. Also, see P.L. 94-142, Section 121a.508.

TESTIMONY--RESPONDENT (PUBLIC SCHOOL)

HEARING
OFFICER:

"We are now ready to hear the public school testimony."

JAN ROBERTS:

"Thank you. I would like to ask Janet Low to present her testimony at this time."

JANET LOW:

"My name is Janet Low. I am employed by the Board of Education as a school psychologist, and have been for the past 11 years. I have worked at Madsen Elementary School since it opened in 1971. My academic credentials include the degree of Bachelor of Arts and Master of Arts from the State University, and completion of all course work for the Ph.D. I have advanced professional certification as a school psychologist.

I will present the result of the psychological evaluation which was done by Deana Green in November 1970 and review the testing done by the private school.

According to the psychological evaluation done in 1970, Dick was 'referred for a psychological evaluation primarily because of concerns about his low level of academic achievement. In spite of the fact that he is a third grader, reading remains in a primer level as he has not been able to learn new words without a great deal of repetition, and concentration skills are poor . . . Although he gets along well with teachers and peers, classroom behavior is often immature and he will, at times, say that he hates school.'

The results of the Wechsler Intelligence Scale done in 1970 indicated that Dick scored within the average range of Intelligence with a verbal IQ of 99, performance IQ of 87, and a full scale IQ of 93. On the verbal subtests, Dick's

lowest score was on arithmetic reasoning and social comprehension, while his best scores were in verbal abstract reasoning and general fund of information. On the non-verbal subtests, Dick again showed a great deal of scatter, ranging from difficulties with perceptual motor coordination tasks requiring speed, fine-motor coordination, and perceptual organization to above average on sequencing of pictures depicting social situations.

In general, these results were indicative of a child of at least average intelligence who was experiencing a specific learning problem 'specific to visual motor organizational skills and abstract reasoning' (report from Deana Green, school psychologist). At the time of testing when Dick was a third grader, he was functioning on the Wide Range Achievement Test on a first grade level in word recognition, spelling, and arithmetic. Because Dick's specific learning problems were not unlike others who were serviced by our special education program, placement in a special education class was recommended and begun the following September at Madsen Elementary School.

For the following four years at Madsen, where I was the school psychologist, Dick was discussed at the end-of-the-year special education conferences, and was felt to be making progress both academically and socially. Socially, Dick was not a behavior problem, was never suspended or brought to the building team's attention for behavioral or emotional difficulties. In fact, Dick's adjustment was such that while there was a fully accredited counselor at Madsen two and one-half days a week, and the psychologist--myself--was available approximately one-half day a week for consultation, neither the administrators, teachers, or

parents--all of whom knew and at other times had made use of these services. In other situations--mentioned Dick as having emotional problems or needing emotional support. Dick, instead, was discussed as a youngster who was doing very well to the point of being elected president of his class. He not only did well in his special education class, but was reported by his teachers to be doing very well while being mainstreamed in the sixth grade.

Academically, at the 1975 end-of-the-year special education conference, Dick was reported to be reading on a sixth grade level, indicating significant progress since his first grade reading level at the time of entering the special education class. Because Dick's functioning levels were not unlike others who are programed for in the school system in a regular junior high with special education resource help, it was recommended that Dick go on to Grant Junior High.

A comparison of the results of the psycho-education evaluation done by the Carl Buck School for Exceptional Children in August of 1975 to that done by Deana Green in 1970 indicates that Dick's verbal performance and overall intellectual functioning had improved. While overall verbal skills were still better than overall performance skills, the difference had narrowed from 12 points in 1970 to 4 points in 1975. Perceptual motor skills had significantly improved with a paper-pencil timed task being the only area falling below the average range. Arithmetic skills remained an area of difficulty for Dick, with that and rote memory being the only verbal scores falling below the average range.

Similarly, Dick's scores on the Wide Range Achievement Test have improved from 1.4 to 6.5 in word recognition; 1.3 to

3.3 in spelling; and 1.8 to 3.9 in math.

It is my professional opinion that Dick is not unlike and, in fact, is functioning higher than many students who are adequately programed in a regular junior high with resource help."

JAN ROBERTS: "Thank you, Ms. Low."

HEARING
OFFICER: "Does counsel have any questions for Ms. Low?"

LEGAL COUNSEL: "No, sir."

HEARING
OFFICER: "Thank you for your testimony, Ms. Low."

JAN ROBERTS: "I would like to ask Susan Kasper to give some additional information at this time."

SUSAN KASPER: "I am Susan Kasper, pupil personnel worker for seven schools in the Central Area, including Madsen Elementary School. I received the Bachelor of Science degree in elementary education and the Master of Education degree in guidance and counseling from the State University. I have an advanced professional certificate in elementary education, counseling, and pupil personnel work. I will review Dick's school history as revealed by school records.

'Dick East attended Gray Elementary School from September 1967 through June 1971, including a pre-first program during June and July of 1968. His teachers consistently comment on his good oral language and his difficulty with fine-motor coordination, as well as a short attention span and some perceptual difficulties. There were no behavioral problems.

During the 1969-70 school year, Dick was referred to the school's special education resource teacher.

'In later October of the 1970-71 school year, when Dick was 8-1, he was referred for an individual psychological evaluation with the parent's permission. Dick was seen by the school psychologist, Deana Green, in early November, and about a week and a half later, she reported her results to the Easts. Two of the recommendations were remedial help in reading and parent attendance at a Behavior Modification Clinic at Crawford Senior High School one night a week. As a result of these recommendations, in December of 1970, a reading evaluation was given. Dick was found to be performing on a pre-primer instructional level. His listening comprehension level was third grade. His strengths, as previously noted, were in the verbal areas. The test profile indicated a six-year spread between the high and low scores. At about the same time (the middle of December 1970), a psychological evaluation, psychiatric consultation, and educational evaluation were performed by staff of the Wilson Evaluation Center. The files indicate that these tests were requested and paid for by Mr. and Mrs. East. Copies of this material were forwarded to me as the pupil personnel worker at the request of the parents.

On March 23, 1971, Mrs. East met with Mrs. Peg Jones, the school psychologist, and Mrs. Kim Barnes, the area learning problems resource specialist. The conference dealt with Dick's educational placement. Mrs. East was informed that Dick was working in a small-group situation two times a day--once in the morning and once in the afternoon. At this time, Dick was still assigned to an ungraded classroom at Gray Elementary School. However, since Madsen Elementary School

was being built and was to be ready by September 1971, and there were plans to have self-contained special education classes there, Mrs. East was informed that Dick would probably be transferred.

Dick's attendance at Gray and Madsen was excellent.

Dick was given a number of group tests in September of 1968, when he was a first grader; his Metropolitan Readiness Test was scored at the 11th percentile. Dick has always passed vision and hearing screenings done by the schools, and there is also an indication that hearing and vision tests that have been done privately by the family indicated no difficulties.

On August 2, 1971, the special education assignment sheet which transferred Dick from Gray to Madsen was mailed to his parents, and on the 16th of the same month, Dick was assigned to Madsen's self-contained intermediate special education classroom taught by Mr. Ted Jackson.

Mr. Jackson taught Dick for two years. He felt that the auditory channel was Dick's strength and he noted some reversal problems--such as /b/ and /d/-and some difficulties with fine-motor work. By the end of the 1971-72 school year, Dick was working on a third grade level in math, but was working on a first grade level in reading. In the area of verbal language and understanding, he was working at the fourth or fifth grade level. Mr. Jackson commented that Dick's interest and motivation were high and he had, in fact, been elected president of his class. Dick received supportive family interest and assistance. He was characterized as being comfortable with adults and having a concern

for others. Dick made progress during the school year. In the 1972-73 end-of-the-year special education evaluation, reading level was described as second-third grade, fourth grade level math work, with comprehension skills on a fifth-sixth grade level. Mr. Jackson felt that Dick's self-image was improving and that he showed exceptional interest, motivation, and curiosity. He was a well-liked youngster in the group, and it was recommended that he return to the special program. That school year, Dick's class had functioned successfully as a part of the fifth-sixth grade group in an open POD. In December of 1972, Dick was placed on medication--75 milligrams of Imipramine--and was retested privately by staff at Golden University Clinic.

In 1973-74, Dick again returned to the Madsen self-contained special education class. His teacher was Mr. Joseph Black. The April 1974 end-of-the-year special education report noted that Dick was functioning at the 4.2 level in reading and 3.2 level in arithmetic. No perceptual problems were noted, and there was a comment that Dick had good control of both large and small muscles. Mr. Black said that Dick loved to draw, and had a great deal of common sense and got along exceptionally well with his peers. He also noted that Dick responded very well to male approval. It was recommended that because of his continued good progress, Dick be mainstreamed for the following year with the fifth and sixth grade students.

This would mean that although Dick would be based in the special education class, he would move out in those areas where it was felt he would be successful. In March of 1974, Dick return to Golden University Clinic for a one-year follow-up. He was seen in late January of 1974, and the

medication--75 milligrams of Imipramine--was continued. Their staff also recommended remedial work with a private tutor.

In 1974-75, Dick was discussed at the September IEP conference. Because of his good ability orally, it was recommended that he be moved to social studies and science with the sixth grade POD immediately. In December of 1974, Dick returned to Golden University Clinic for his two-year follow-up. He had been taken off medication before that, but it was recommended that the imipramine be continued at a dosage of 75 milligrams a day, and that there be more parent-teacher conferencing. Golden University Clinic staff also recommended a very structured curriculum which would rate Dick's progress from week to week. At the end-of-the-year conference, Dick's reading skills were noted at the SRA level of 6.2 orally, and his reading with the phonovisual method was a 6.2 level. He was using Houghton Mifflin and Hoffman reading materials. His arithmetic was on a 3.2 level. Love of science and his very good oral ability were both noted as strengths. At that April conference, the building team (consisting of the school principal, teacher, resource teacher, psychologist, pupil personnel worker, and special education learning problems resource specialist) recommended that for the 1975-76 school year, Dick be placed in a regular seventh grade class with special education resource help in those areas where it was needed. This recommendation was relayed to the Easts by school personnel. The Easts did visit Grant Junior High School, and were aware of what facilities were available and what could be offered to Dick in terms of regular classroom and special education help."

HEARING
OFFICER: "Any questions from counsel?"

LEGAL COUNSEL: "No, sir."

HEARING
OFFICER: "Thank you, Miss Kasper."

JAN ROBERTS: "Mr. James Palmer is our next witness."

JIM PALMER: "I am Jim Palmer, presently the principal of Madsen Elementary School. I received a Bachelor of Arts degree from Watson College and a master's degree in education from the State University. This is my 16th year in the public schools. I was a classroom teacher for four years (grades five and six), a resource teacher for one year, vice-principal for two years, acting principal for one year (at two schools), principal of Sumpter Elementary School for three years, then assigned to Madsen Elementary School for the past six years.

Dick was assigned to the special education program at Madsen Elementary School in September 1971.

During this first school year at Madsen, Dick was placed in a self-contained, special education class. Academic achievement in language, reading, writing, and math was described as satisfactory with social studies achievement rated as very good. Instruction was individualized in the academic areas at the 1¹ level in language, 1² level in reading, 3¹ level in math, and the 4⁵ concept level in social studies.

Perceptual and physical development areas were rated as excellent in auditory channels, very good gross-motor coordination and improvement needed in fine-motor coordination.

Interest and motivation were rated as high. Peer relationships were good, and Dick was described as being comfortable with adults in the school.

The annual evaluation was completed with a recommendation from the classroom teacher and building team that Dick be placed in the special education class with the same teacher that he had the previous year.

The special education class was located in an open POD so that the students would have more opportunities for mainstreaming.

Academic achievement in language and math were rated as good, reading excellent, social studies very good, with writing designated as an area below developmental level for Dick's age group.

Instruction was individualized in the academic areas at the 3.0 level in language, 2¹ level in reading, 4¹ level in math, and the 5⁶ concept in social studies.

Perceptual and physical development areas were rated as good with refinement needed in fine-motor skills, and some concern for the /b/ and /d/ reversal in oral reading and writing.

Interest and motivation were rated as exceptional with noticeable improvement in self-image. Peer relationships remained good, considered fair and compassionate by others.

The annual evaluation was completed with a recommendation from the classroom teacher and building team that Dick be

placed in the special education class for the 1973-74 school year.

During the 1973-74 school year, Dick was placed in the special education class with a new teacher assigned to Madsen. Academic achievement in language, reading, math, and social studies rated as very good.

Instruction was individualized except for language and social studies, where classes were conducted in a small-group setting. Academic achievement levels were rated as 4th level in language, 4.2 level in reading, 4th level in cursive handwriting, 3.2 level in math, and the 5.6 concept level in social studies.

Perceptual and physical development areas were rated as good, with a very good rating in coordination and excellent in body image.

Interest and motivation remained on a high level, with a continuing interest in art and music. Peer relationship was again rated as good.

The annual evaluation was completed, with a recommendation from the classroom teacher and building team that Dick should be placed in the special education class for the 1974-75 school year.

During the 1974-75 school year, Dick was placed in the special education class with the same teacher that he had in the 1973-74 school year.

Academic achievement was rated as very good in all areas, with much progress noted in handwriting.

Oral language was rated as a strong area (6² level), with written expression as an area in need of refinement (4th level).

Written language was rated as Dick's most difficult area because he required follow-up assistance in written assignments.

Reading was rated as a very successful area (6² Phonovisual Method) in a program that permitted Dick to use his strong auditory channel. In the regular basal program with minimum emphasis on any one particular channel, Dick was rated as functioning on a 5² level. His main strength in reading was his ability to comprehend material on and above his instructional level and the ability to use context clues.

Math was rated as an area with little progress in higher level skills (3² level). He continued to perform better in small-group instruction and, with assistance, was able to work with math operations on the beginning 4th level. His basic instructional level, however, was rated as 3².

The annual evaluation was completed with a recommendation by the classroom teacher and the building team that Dick should be placed in a regular junior high school program with assistance from the special education resource program.

During the 1974-75 school year, Dick was mainstreamed for social studies and science. His high interest, reading skills, and oral communication skills made it possible for him to be

an active, contributing member of the class. He was able to keep up with the written assignments through the use of follow-up periods which gave him the time and assistance needed to complete the written work.

Our recommendation was based on the belief that Dick no longer needed a special education program that provided specialized training in the areas of perceptual and physical development, and fine- and gross-motor development. Rather, he needed a program which would capitalize on his strengths (high interest, motivation, very good reading, and oral communication skills), while providing special assistance in the areas of math and written language.

The junior high school special education resource program and counseling program would provide the follow-up needed in completing written assignments, while the regular math program could provide the instructional groupings necessary for continued emphasis on basic operational skills."

JAN ROBERTS: "Thanks, Jim."

HEARING
OFFICER: "Any questions from Counsel?"

LEGAL COUNSEL: "None."

HEARING
OFFICER: "Thank you for your testimony, Mr. Palmer."

JAN ROBERTS: "I would like to ask learning problems resource specialist at Grant Junior High School, Mr. Robert Paul, to testify."

ROBERT PAUL: "My name is Robert Paul. I'm the learning problems resource specialist for Grant Junior High School. I have worked in

the county for the past 12 years. I have a master's degree and an Advanced Specialist Degree in Special Education, and am in the process of completing my Ph.D. at the State University in special education.

Based on the recommendation of the Madsen Elementary School building team, it was planned that Dick East receive the benefit of the resource room program at Grant Junior High.

At Grant, there are sufficient educational services to meet Dick's academic and social needs. There exists an in-school team, whose responsibility is (1) to plan appropriate programs for students who are exhibiting various kinds of difficulties in school, (2) to coordinate services for individual students who require program modification, (3) and to initiate ongoing screening to determine student progress and need for program change. In addition to the resource room program, Grant has a special education self-contained classroom program, as well as various auxiliary services such as a reading teacher and school counselor. The team will work together on the proposed program which incorporates the appropriate services in meeting Dick's needs.

Specific recommendation from Dick's school's building team suggested he be placed in a regular junior high program and receive supportive services from the resource room. The specific amount and intensity of the service will be determined by Dick's needs. For example, he may receive services from the resource room five days a week for one period or more, or, this may be adjusted to less time if sufficient progress is noted.

It should be kept in mind that the IEP ultimately implemented for this student will be based on formal and informal educational diagnosis to be completed at Grant upon Dick's entry to the program. Further, the program will contain sufficient flexibility to permit appropriate program changes required to meet this student's needs.

Based on a careful review of all available records, the recommendation by the Madsen team, the team at Grant, and discussions with Dick's parents, it is my professional opinion that the program at Grant, as developed, can meet the educational needs of this student."

JAN ROBERTS: "Thank you."

HEARING
OFFICER: "Any questions from counsel?"

LEGAL COUNSEL: "No, sir."

HEARING
OFFICER: "How many students do you have assigned to you, Mr. Paul?"

ROBERT PAUL: "Twenty-five, but I see them in small groups or individually. All my students are based in regular classes."

JAN ROBERTS: "That concludes the testimony for the public schools."

HEARING
OFFICER: "Thank you, Ms. Roberts."

I would like to ask each side to make a brief summary statement. First the parents, followed by the public schools. Counsel....."

SUMMARY STATEMENTS

NOTE: See page 34 of the Hearing Officer Manual for information regarding summary statements.

SUMMARY STATEMENT
Petitioner (Parent)

LEGAL COUNSEL: "It is our contention that Dick East should remain in the private school at public expense. Dick experienced failure and a low self-concept while in the public school program. Now, for the first time, he is feeling good about himself.

Dick needs time to find himself. It is clearly in his best interest to keep his world stable. He should not be moved to another program, even if that program is of high quality.

We urge you to consider the potential negative impact on Dick if he is removed from the private school where he has done so well and forced to adjust to the new demands of a public junior high school program.

Thank you for your consideration of this appeal."

SUMMARY STATEMENT
Respondent (Public School)

JAN ROBERTS: "Dick East has been having difficulty with academic subjects since he entered kindergarten. He spent six weeks in the summer of 1968 to help prepare him for the first grade. Dick continued to have difficulty, and in the third grade was evaluated and placed in a special program for children with learning disabilities at Madsen Elementary School. His progress was satisfactory. After four years at Madsen, it was recommended that Dick be transferred to a similar program at Grant Junior High School. An individualized education plan had been prepared for him by the evaluation team. Instead of enrolling Dick in the program in the fall of 1975, his parents enrolled him in a private school. Since the school district operates a program that would be an appropriate placement for Dick, the request for financial assistance for handicapped children in non-public schools was not approved. It is our contention that Dick will receive an appropriate, quality program in the public schools. He will have the added advantage of being with normal students in a regular public school,

We believe this is in Dick's best interest."

DECISION

NOTE: See pages 36-44 of the Hearing Officer Manual for information on writing a decision.

HEARING DECISION

Child's Name: Dick East
Parent's Name: Mr. and Mrs. Richard East
Address:

Local School District:
Address:

Representative: Jan Roberts
Hearing Date: Wednesday, September 11, 1976--7 p.m.
Hearing Number: 01782
Date of Report: September 20, 1976
Hearing Officer: Stephen Wiles

ISSUE AND PURPOSE OF THE HEARING

The issue brought by the petitioner (the child's parents) in this hearing was the appropriate placement of the child--the petitioner arguing that the most appropriate placement is in a private school, and the respondent (the public schools) indicating that a regular junior high school program with resource help would be appropriate. The purpose of the hearing was to determine the most appropriate placement.

FINDINGS OF FACT

Evidence noted as particularly relevant is listed below.

Petitioner

1. Psychiatric report, Exhibit P2.

- (a) "My basic impression remains essentially the same--adjustment reaction to adolescence in a youngster with minimal brain dysfunction and hyperactive syndrome. There are depressive features and a very negative self- and group-identity."
- (b) "He definitely needs counseling and/or a psychotherapeutic program to handle the very negative group-identity, anger, and social isolation he feels within himself."

It is clear from the psychiatric report that this child is in need of ongoing counseling/psychological support.

- 2. Special report from private school comparing test scores when the student entered the private school with those obtained near the end of a year, Exhibit P7.

(a)	Test	8/5/75	3/3/76
	WRAT		
	Reading	6.5	8.5
	Spelling	3.3	4.0
	Arithmetic	3.9	4.5
	Gates MacGinitie		
	Silent Reading Comprehension	6.8	7.1

- (b) "He has become more comfortable with himself and his self-image."

Test scores obtained in 1975 compared with those obtained in 1976 indicate that this student can compete in a regular public school program with assistance.

3. Proposed private school program, Exhibit P8.

- (a) Placement in a structured therapeutic environment.
- (b) Placement in a class of ten students who have similar problems.
- (c) Placement in a group counseling program of eight students or less.

The public school is able to provide the same level of service in a less restrictive environment.

4. Testimony from private school teacher

"Everything looks good.....right now, but he could regress if he is required to adjust to another new situation too soon."
"He needs a second year with us, so that he gains enough confidence to hold his own in the less sheltered public school environment."

This position is not supported by the evidence. The child's best interest will be served by placement in a more normal public school setting.

Respondent

1. Individualized education program, Exhibit R10, indicates five periods in the regular classroom and two periods in a special resource room. A counselor would be provided, if needed.
2. Public school psychologist testimony
 - (a) "A comparison of the results of the psycho-educational evaluation done by the Carl Buck School for Exceptional Children in August of 1975 to that done in 1970 indicates that verbal performance and overall intellectual functioning had improved. While overall verbal skills were still better than overall performance skills, the difference had narrowed from 12 points in 1970 to 4 points in 1975. Perceptual motor skills had significantly improved with a paper-pencil timed task being the only area falling below the average range. Arithmetic skills remained an area of difficulty for Dick, with that and rote memory being the only verbal scores falling below the average range.

Similarly, scores on the Wide Range Achievement Test have improved from 1.4 to 6.5 in word recognition, 1.3 to 3.3 in spelling, and 1.8 to 3.9 in math.

It is my professional opinion that he is not unlike and, in fact, is functioning higher than many students who are adequately programed in a regular junior high with resource help."

- (b) "During the 1974-75 school year, he was mainstreamed for social studies and science. His high interest, reading skills, and oral communication skills made it possible for him to be an active, contributing member of the class. He was able to keep up with the written assignments through the use of follow-up periods which gave him the time and assistance needed to complete the written work.

Our recommendation was based on the belief that he no longer needed a special education program that provided specialized training in the areas of perceptual and physical development, and fine- and gross-motor development. Rather, he needed a program which would capitalize on his strengths (high interest, motivation, very good reading, and oral communication skills) while providing special assistance in the areas of math and written language.

The junior high school special education resource program and counseling program would provide the follow-up needed in completing written assignments while the regular math

program could provide the instructional groupings necessary for continued emphasis on basic operational skills."

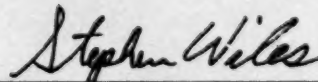
- (c) "It should be kept in mind that the IEP ultimately implemented for this student will be based on formal and informal educational diagnosis to be completed upon his entry into the public school program. Further, the program will contain sufficient flexibility to permit appropriate program changes required to meet this student's needs.

Based on a careful review of all available records, the recommendation by the elementary school team, the team at the junior high school, and discussions with his parents, it is my professional opinion that the program at the public junior high school, as developed, can meet the educational needs of this student."

DECISION AND RATIONALE

The hearing officer finds that this student can be served appropriately in the public school program. The written evidence and testimony clearly establish that this student can compete academically with most public school students his age. The P.L. 94-142 requirement concerning least restrictive environment is met by public school placement. The program and services proposed by public school staff appear to be adequate to meet this student's needs. However, the public school program will be required to attend to the student's need for emotional support through the provision of increased counseling. Such counseling is to be provided by the school counselor or psychologist, and must be included in the student's individualized education program.

If either party wishes to appeal, a letter requesting an administrative review must be sent to the state special education office within ten days of the receipt of this decision.



Stephen Wiles
Hearing Officer